

Remarks

Claims 1-16 are pending. No amendments are presented with this Response.

Claims 1-16 remain pending.

Applicants request reconsideration and allowance of the above-referenced application in view of the following remarks.

The presently claimed invention provides a particular frozen unproofed, unbaked luxuriant roll (i.e., a “biscuit swirl” as recited in independent claim 1) that is capable of being baked without an intermediate thawing or proofing step. A unique requirement of this invention is that a luxuriant roll is provided using a biscuit dough (e.g., a “biscuit swirl”).

Luxuriant rolls, such as breakfast rolls having cinnamon or orange flavor or using a savory gravy, are traditionally prepared from doughs that provide a bread-like product rather than a biscuit-like product. As is appreciated by those of skill in the art, a biscuit dough is distinct from a bread-like dough due generally to the degree of development of gluten in the dough (i.e., the gluten in a biscuit dough is generally described as underdeveloped) (See page 4, lines 3-19 of the present specification). The degree of development of the dough is a function of both dough ingredients and mix time. A result of underdeveloped gluten in a biscuit dough is that a biscuit dough is relatively more sticky and tends to break when stretched, whereas a bread dough is more extensible than a biscuit dough.

Claim Rejections Under 35 USC § 103

Claims 1-16 have been finally rejected as unpatentable under 35 U.S.C. §103 over Hahn et al. (U.S. Pat. No. 6,280,782) in view of Freyn et al. (U.S. Pat. No. 5,451,417).

Applicants respectfully traverse this rejection because neither the Hahn et al. reference or the Freyn et al. reference, alone or in combination, teach or suggest the “biscuit swirl” requirement of independent claim 1.

The primary reference, Hahn et al., relates to non-emulsion based, moisture containing fillings that can reduce or eliminate moisture migration between the filling and a dough that is in contact with the filling (See Hahn et al. at the Abstract). The Hahn et al. reference discloses that its fillings can be used with conventional dough compositions in conventional ways (See Hahn et al. at col. 12, lines 46-65).

The Hahn et al. reference does not teach or even remotely suggest that a luxuriant roll can be made with a biscuit dough. In particular, the Hahn et al. reference does not teach or suggest a “biscuit swirl” as required in claim 1. The secondary reference, Freyn et al., fails to cure this deficiency of the Hahn et al. reference.

The Freyn et al. reference relates to a frozen dough which does not need to be thawed and proofed prior to baking (See Freyn et al. at the Abstract). The dough compositions disclosed in the Freyn et al. reference are described as bread-like (See Freyn et al. at col. 1, lines 27, 28, and 48-53, and col. 2, lines 26-28). Freyn et al. recognize and distinguish between certain biscuit and bread-like doughs (See Freyn et al. at col. 1, lines 25-31). In fact, the Freyn et al. reference teaches away from using biscuit doughs as follows:

Sample A (not within the scope of the invention) was dense, biscuit-like, chewy, did not resemble the texture, flavor, and structure of a yeast-raised roll (See Freyn et al. at col. 6, lines 66)(underlining added).

Thus, the Freyn et al. reference does not teach or suggest, but in fact teaches away from, a luxuriant roll made with a biscuit dough (i.e., a “biscuit swirl” as required in claim 1).

In an Advisory Action dated July 1, 2004, the Examiner noted that she recognizes that there is a difference between bread and biscuit doughs, but continues to hold the position that it would have been obvious to use biscuit dough in the product of the present invention.

In order to demonstrate that the present invention as claimed is not obvious, Applicants have conducted experiments to measure relative BSVs of products using different doughs. These experiments demonstrate that the selection of the use of biscuit dough, as compared to a fully developed dough, is not a mere alternative and obvious choice, but rather results in surprising beneficial properties of high BSV in

freezer-to-oven roll products as presently claimed. Attached hereto is a declaration under 37 C.F.R. §1.132 by Inventor Leola Henry providing experimental data that establishes proof of the surprising result as identified in the present application. (The copy of the declaration as attached is unsigned. A signed copy will be forwarded shortly for the formal file). Surprisingly, the BSV of the freezer-to-oven roll product prepared from biscuit dough was significantly higher than the BSV of the freezer-to-oven roll product prepared from a fully developed laminated dough, and also was significantly higher than the BSV of the freezer-to-oven roll product prepared from a fully developed non-laminated dough. One of ordinary skill would have had no expectation of this significant difference in BSV properties in dough selection in view of the prior art of record.

Accordingly, Applicants request that the rejection of claims 1-16 as being unpatentable under 35 U.S.C. §103 over Hahn et al. in view of Freyn et al. be withdrawn.

In the event that a phone conference between the Examiner and the Applicants' undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at (651) 275-9811.

Respectfully Submitted,

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